

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

This Document Relates To:

THE DIRECT PURCHASER PLAINTIFF
ACTION

Case No. 0:18-cv-01776 (JRT-HB)

**DECLARATION OF ERIC
SCHACHTER IN SUPPORT OF
MOTION FOR FINAL APPROVAL
OF THE CLASS ACTION
SETTLEMENT BETWEEN
DIRECT PURCHASER
PLAINTIFFS AND THE JBS
DEFENDANTS**

I, Eric Schachter, declare as follows:

1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration Division (“A.B. Data”). Pursuant to the Court’s January 13, 2021, Order Granting Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and Defendant JBS¹ (ECF No. 631, the “Preliminary Approval Order”), A.B. Data was authorized to act as the Settlement Administrator in connection with the Settlement in the above-captioned action (the “Action”). I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. This Declaration describes the implementation of the notice plan, as proposed in my Declaration of Eric Schachter in Support of Motion for Preliminary Approval of the Class Action Settlement Between Direct Purchaser Plaintiffs and JBS (ECF No. 547, the “Initial Declaration”).

CLASS MEMBER DATA

3. Pursuant to Paragraph 7 of the Preliminary Approval Order, each Defendant was directed to provide a list of potential Class members and their contact information to A.B. Data. Beginning on February 26, 2021, A.B. Data received 12 data files from various Defendants with the names and contact information of 116,788 potential Class members. A.B. Data electronically processed, consolidated, and deduplicated the data, which ultimately identified 68,160 unique potential Class member records to use for direct notice.

¹ Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and JBS.

4. Prior to commencing direct notice, A.B. Data standardized and updated, where applicable, the potential Class member mailing addresses using data from the United States Postal Service (“USPS”) National Change of Address Database. As a result of this work, on March 29, 2021, A.B. Data caused the Court-approved Long-Form Notice, to be sent by USPS First-Class Mail to the 68,160 potential Class member mailing addresses.

5. As of the date of this Declaration, A.B. Data has tracked 16,740 Long-Form Notices to be undeliverable as addressed. Of these, 5,328 Long-Form Notices have been remailed to updated addresses obtained through either the USPS, an authorized representative of the intended recipient, or third-party information services to which we subscribe.

EMAILING OF THE NOTICE

6. On March 29, 2021, A.B. Data caused the Email Notice to be sent by email to 3,506 email addresses contained within the potential Class member data files provided by Defendants. To maximize deliverability, A.B. Data used certain best practices, such as avoiding attachments and certain key words likely to trigger SPAM and junk filters and sending the emails in batches over a period of days. Of the 3,506 emails sent, 3,027 were successfully delivered.

PUBLICATION OF THE SUMMARY NOTICE

7. To supplement the direct notice efforts, A.B. Data caused the Publication Notice, attached as Exhibit C, to publish in the April 2021 edition of *Food Logistics*, a trade journal targeting supply chain executives and food industry professionals. A.B. Data also effectuated a thirty-day digital media banner ad campaign on foodlogistics.com.

SETTLEMENT WEBSITE

8. On March 29, 2021, A.B. Data established a case-specific Settlement website, www.PorkAntitrustLitigation.com. The website provides general information in English and Spanish regarding the case and its current status, as well as downloadable copies of the notice documents, the Settlement Agreement, the Preliminary Approval Order, and the operative Complaint. The website is accessible 24 hours a day, 7 days a week. As of the date of this Declaration, the website has received 1,284 page views.

TELEPHONE HELPLINE

9. On March 29, 2021, A.B. Data established a case-specific toll-free phone number, 866-797-0864, with an Interactive Voice Response system and live operators in both English and Spanish. An automated attendant answers all calls initially and presents callers with a series of choices to respond to basic questions. If callers need further help, they have the option to be transferred to an operator during business hours. As of the date of this Declaration, the toll-free number has received 97 calls.

EXCLUSIONS AND OBJECTIONS

10. The Long-Form Notice informed potential Class members that requests for exclusion were to be submitted to A.B. Data by mail or email such that they were postmarked or submitted by May 28, 2021. As of the date of this Declaration, A.B. Data has received 85 requests for exclusion, many of which included various affiliated entities and partial assignments. The 85 requests for exclusion included various affiliated entities. The current working list of all entities (inclusive of affiliated entities) that requested exclusion is attached

as **Exhibit A**. The current working list of the requests with partial assignments is attached as **Exhibit B**.

11. The Long-Form Notice informed potential Class members seeking to object to part or all of the proposed Settlement that they could do so by submitting a written request that is received by the Parties and filed with the Court no later than May 28, 2021. As of the date of this Declaration, A.B. Data has not received and is not aware of any objections.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of July 2021.

A handwritten signature in black ink, appearing to read 'Eric Schachter', is written over a horizontal line.

Eric Schachter